

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

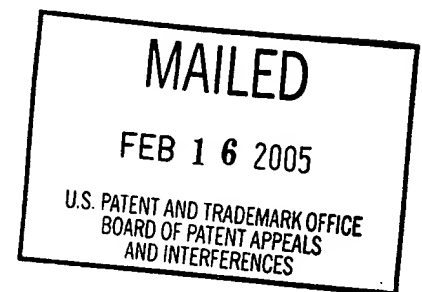
**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte JOSEPH R. BYRUM and  
THOMAS J. La Rosa

Appeal No. 2003-2151  
Application No. 09/199,129

**ORDER DISMISSING APPEAL**



Before HARKCOM, Acting Chief Administrative Patent Judge, and  
WILLIAM F. SMITH and ADAMS, Administrative Patent Judges.

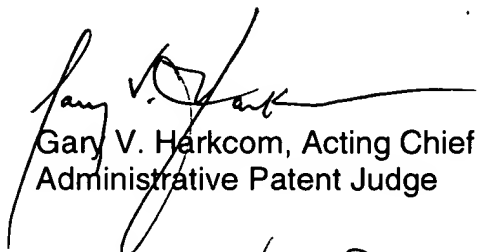
Per curiam.

On January 26, 2005, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Accordingly, the appeal in this application is dismissed.

Appeal No. 2003-2151  
Application No. 09/199,129

The application is being returned to the examiner for further action as may be appropriate.

  
Gary V. Harkcom, Acting Chief  
Administrative Patent Judge

  
William F. Smith  
Administrative Patent Judge

  
Donald E. Adams  
Administrative Patent Judge

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